

**RESOLUTION DECLARING THAT THE PUBLIC GOOD
REQUIRES THAT CERTAIN TERRITORY SHALL BE
BROUGHT WITHIN THE LIMITS OF THE CITY OF
MOBILE PURSUANT TO AND IN ACCORDANCE WITH TITLE
11, CHAPTER 42, ARTICLE 3, OF THE CODE OF ALABAMA**

(WINDMILL PLACE AREA)

#3018-3098

WHEREAS, § 11-42-41 of the *Code of Alabama* provides that a city council may pass a resolution to the effect that the public health or public good requires that certain territory shall be brought within the limits of a city; and,

WHEREAS, § 11-42-43 of the *Code of Alabama* provides that upon passage of such a resolution by a council and certification by a mayor, the Judge of Probate must make and enter an order directing and ordering an election to be held by the qualified electors residing within the territory proposed to be brought within the limits of the city; and,

WHEREAS, § 11-42-47 of the *Code of Alabama* provides that each qualified voter who has resided within the boundaries of the territory proposed to be brought into the city for three months next preceding the election may vote at such election; and,

WHEREAS, a large number of qualified voters who reside within the boundaries of the territory described below have evidenced their desire to have such territory brought within the boundaries of the City of Mobile; and,

WHEREAS, the City Council of the City of Mobile desires to take the appropriate action so that the voice of these residents is given effect by passing this resolution (the "Resolution") allowing these residents an opportunity to vote on the question of whether they desire for such territory to be brought within the boundaries of the City of Mobile, and so as to provide for the future economic

well-being of these residents as well as all persons residing within the metropolitan Mobile area.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF MOBILE, THAT:

1. The public good requires that the following described territory shall be brought within the limits of the City of Mobile:

WINDMILL PLACE

BEGINNING AT THE POINT OF INTERSECTION OF THE EAST LINE LOT 7 SMITHFIELD UNIT 10 MBK 42 PG 111 AND THE SOUTH RIGHT OF WAY LINE OF HITT ROAD; RUN THENCE SOUTHEASTWARDLY ALONG THE SOUTH LINE OF HITT ROAD TO THE POINT OF INTERSECTION WITH THE PRESENT CORPORATE LIMITS OF THE CITY OF MOBILE; RUN THENCE SOUTHWARDLY ALONG SAID CORPORATE LIMITS TO THE POINT OF INTERSECTION WITH THE EASTWARD PROJECTION OF THE SOUTH LINE A COMMON AREA (LABELED DETENTION AREA) SHOWN ON PLAT OF WINDMILL PLACE PHASE ONE MBK 60/69; RUN THENCE WESTWARDLY ALONG THE SOUTH LINE OF SAID COMMON AREA TO THE EAST LINE OF SMITHFIELD DRIVE EAST; RUN THENCE NORTHWARDLY ALONG THE EAST LINE OF SAID SMITHFIELD DRIVE EAST TO THE EAST PROJECTION OF THE NORTH LINE OF LOT 25 SMITHFIELD UNIT 1 MBK 29 P 59; RUN THENCE WEST ALONG SAID NORTH LINE TO NORTHEAST CORNER OF SAID LOT 25; RUN THENCE WESTWARDLY THEN NORTHWESTWARDLY ALONG THE SOUTHERLY LINE OF SAID WINDMILL PLACE UNIT 1 TO THE SOUTHWEST CORNER OF SAID WINDMILL PLACE UNIT 1; RUN THENCE NORTHWARDLY ALONG THE WEST LINE OF SAID WINDMILL PLACE UNIT 1 TO THE NORTHEAST CORNER OF LOT 35 SMITHFIELD PLACE UNIT 3 MBK 37 P 34; RUN THENCE WESTWARDLY ALONG THE NORTH LINE OF SAID LOT 35 TO THE SOUTHEAST CORNER OF LOT 10 SMITHFIELD UNIT 10 MBK 42 PG 111; RUN THENCE NORTHEASTWARDLY ALONG THE EAST LINE OF SAID SMITHFIELD UNIT 10 TO THE SOUTH LINE OF HITT ROAD AND THE POINT OF BEGINNING.

A map depicting this area is attached hereto and incorporated herein. In the event of a conflict between the attached map and the written description of the territory described above, the depiction of the territory on the attached map shall control and be given effect.

2. The Mayor of the City of Mobile is authorized and directed to certify and deliver a copy of this Resolution to the Judge of Probate for Mobile County pursuant to and in accordance with § 11-42-42 of the Code of Alabama;
3. If the majority of those persons voting in such an election vote in favor of the above-described territory being brought within the corporate limits of the City of Mobile, then all of such territory, and all property having a situs within such territory, shall be exempt from City ad valorem taxation or the payment of ad valorem taxes to the City for a period of ten (10) years from the time when such territory is brought within the corporate limits of the City, all as provided by § 11-42-57 of the *Code of Alabama*; except that, from time to time after the lapse of five (5) years from the time when such territory is brought within the corporate limits of the City, all portions of such territory as has residing on it a population of at least twenty (20) persons on a contiguous ten (10) acres of land and all property having a situs on such populated territory shall thereafter be subject to ad valorem taxation by the City and ad valorem taxes thereon shall thereafter be paid to the City, all as provided by § 11-42-58 of the *Code of Alabama*.
4. Pursuant to § 11-42-83 of the *Code of Alabama*, every person, firm, company or corporation engaged in or carrying on any business, vocation, occupation or

profession in the territory brought within the corporate limits of the City pursuant to this Resolution shall be exempt from the City's gross receipts business license tax with respect to gross receipts received from the business, vocation, occupation, or profession engaged in or carried on in such territory for so long as the territory is exempt from City taxation; provided, however, that a business license tax shall be assessed and collected from each such person, firm, company or corporation in proportion to the capital employed within the territory exempt from City taxation in such trade, business, vocation, occupation or profession, including the value of the land with improvements thereon, used in such trade, business, vocation, or occupation and shall not exceed \$2.00 per \$1,000.00 where the capital employed does not exceed \$100,000.00, and shall not exceed \$1.00 per \$1,000.00 on the excess of capital employed over \$100,000.00 up to \$200,000.00, and shall not exceed \$.50 per \$1,000.00 on the excess of the capital employed over \$200,000.00 up to \$300,000.00, and shall not exceed \$.25 per \$1,000.00 on the excess of capital employed over \$300,000.00; provided, however, that if no capital is employed or where the capital employed is less than \$1,000.00, there shall be no privilege or license tax assessed and collected. At such time as such territory is no longer exempt from City taxation under the provisions of Article 3, Chapter 42, Title 7 of the *Code of Alabama*, the then existing City gross receipts business license tax shall be annually assessed and collected from each and every such person, firm, company or corporation engaging in or carrying on any business, vocation, occupation or profession in the territory formerly exempt from City taxation.

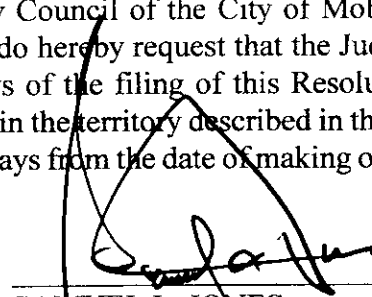
5. This Resolution is passed under the provisions of Title 11, Chapter 42, Article 3, of the *Code of Alabama*.

Adopted:


City Clerk

CERTIFICATION OF RESOLUTION BY MAYOR

I, Samuel L. Jones, Mayor of the City of Mobile, do hereby certify that this is a true and correct copy of the Resolution adopted by the City Council of the City of Mobile at its regular meeting of August 26, 2008, and, as Mayor, I do hereby request that the Judge of Probate of Mobile County enter an Order within ten (10) days of the filing of this Resolution ordering an election to be held by the qualified electors residing in the territory described in this Resolution not less than twenty (20) days nor more than forty (40) days from the date of making of the Order, all as provided by § 11-42-43 of the *Code of Alabama*.


SAMUEL L. JONES
Mayor
City of Mobile

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FILED IN COURT

AUG 26 2008

**Probate Court of Mobile County, Ala.
Joe McEneaney, Jr., Clerk of Court**